

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICKEY CALHOUN,

Plaintiff,

v.

DR. HENRY RICHARDS, *et al.*,

Defendants

No. 08-5101RBL/JRC

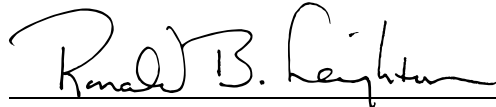
ORDER ADOPTING REPORT AND
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creatura, objections to the Report and Recommendation [Dkt. #238], and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendant's Motion for Summary Judgment is GRANTED IN PART AND DENIED IN PART consistent with the Report and Recommendation. Dr. Richards is dismissed as he no longer works for the SCC and was named only for injunctive relief. Mr. O'Connor is dismissed as plaintiff concedes the issue relating to this defendant, a July 2006 room search, was not retaliatory.

- 1 (3) Defendants are entitled to summary judgment on the issue of who Mr.
2 Calhoun could approach when there was a problem in plaintiff's unit --
3 litigation does not mean a resident may subvert the chain of command. This
4 claim is dismissed.
- 5 (4) Summary judgment is DENIED as to the remaining three issues, the
6 12/26/2006 BMR, the 1/3/2007 UA, and being forced to serve sanctions
7 prior to the time for the filing of an appeal. The defendants for trial are Mr.
8 Galbraith and Mr. Anderson. A status report is due July 16, 2010.
- 9 (5) The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. J.
10 Richard Creatura.

11 DATED this 21st day of June, 2010.

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13 RONALD B. LEIGHTON
14 UNITED STATES DISTRICT JUDGE
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